

WIDOW OF GEORGE C. FOULK.

MARCH 23, 1896.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HUTCHESON, from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 2029.]

The Committee on Claims, to whom was referred the bill (H. R. 2029) for the relief of the widow of George C. Foulk, deceased, have had the same under consideration, and recommend the passage of the bill.

The facts are fully set forth in the communications hereinafter referred to, on file with the committee.

[House Ex. Doc. No. 449, Fifty-first Congress, first session.]

TREASURY DEPARTMENT, *July 23, 1890.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, a communication from the Secretary of State, of the 19th instant, submitting, for an appropriation, the claim of George C. Foulk, late a lieutenant in the United States Navy, and naval attaché to the legation of the United States at Seoul, Korea.

Respectfully, yours,

W. WINDOM, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Said communication from the State Department recites that Lieutenant Foulk was, on the 12th of November, 1883, designated by the President as naval attaché to the legation of the United States in Korea; that in December, 1884, by force of circumstances over which he had no directing control, and by reason of his availability and competency, he was placed in charge of the legation on the departure of the minister, and remained in charge for the periods mentioned in the bill.

He was subjected to humiliations; he was compelled to borrow money to maintain his official as well as his personal standing, and there is no doubt that, as he alleges, he suffered both physically and mentally. He was careful, prompt, and intelligent in the discharge of his duties, and the Secretary of State was glad to compliment him officially, in unmistakable terms, in a letter to the Secretary of the Navy, date, November 1, 1887.

The Fourth Auditor of the Treasury held that no person could hold two offices not compatible at the same time; but the State Department dissented, and called attention to the case of the United States against Saunders, reported in 120 United States, pages 126, 130, in which the Supreme Court gave a decision which fully justifies the claim in the bill now pending, referring to sections 1763, 1764, and 1765, Revised Statutes of the United States.

That communication of the Secretary of State further cites:

Another and parallel view of the matter (sec. 1686, Rev. Stat.), as peculiarly applicable to the case of Mr. Foulk, regarded as a diplomatic officer (naval attaché) performing the same additional duties in the office of minister, under the designation of chargé d'affaires.

See also letter from the State Department of August 23, 1893, in which Mr. Secretary Gresham recognized the claim, and said to Mr. Foulk that in that year—

The Department addressed a letter to the chairman of the Senate Committee on Appropriations, recommending an amendment in the diplomatic and consular bill then under consideration whereby to pay you \$2,630.14, as salary as a lieutenant (junior grade) in the United States Navy * * * which salary had not theretofore been paid to you.

See also letter from Navy Department of January 30, 1894, in which the Judge-Advocate General says that he transmits—

a bill for the relief of the widow of George C. Foulk, late lieutenant in the Navy, which, if passed, will fully provide for the settlement of the claim for pay checked by the accounting officers of the Treasury Department.

Lieutenant Foulk died on the 6th day of August, 1893, in Japan, leaving a widow, to whom he bequeathed this claim.

(See authenticated copy of letters of administration with the will annexed in the court of the United States consulate, dated October 3, signed by E. G. Smithers, United States consul and judge.)